



Oklahoma Funeral Board
3700 N. Classen Blvd, Suite 175
Oklahoma City, Oklahoma 73118
405.522.1790

MEMORANDUM & BOARD PACKET

January 7, 2022

TO: MEMBERS

Tom Coble
J. Cooper
Joe Highberger
Brent Matherly
Jim Roberts
Mike Sanders
Chad Vice

BOARD STAFF

Ron DeWitt
Shayne Melton
Ashton Poarch, AAG
Rochelle Robinson
Thomas Schneider, AAG

FR: Tyler Stiles

RE: January 13, 2022 Regular Board Meeting

Please find the attached January 13, 2022 Oklahoma Funeral Board agenda and the drafted December 9, 2021 regular meeting minutes. If you have any questions or if you cannot attend next week's meeting, please contact me.

Tyler Stiles, MBA
Executive Director
Oklahoma Funeral Board

OKLAHOMA FUNERAL BOARD
3700 North Classen Blvd, Suite 175
Oklahoma City, Oklahoma 73118

NOTICE OF REGULAR MEETING

MEETING PLACE: Videoconference at

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

We ask that only the Respondents in a complaint use the video camera function. If calling in by telephone, please call 1-408-418-9388; Access Code 1260612143. If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105.

DATE & TIME: January 13, 2022 10:00AM

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on January 7, 2022 at 2:30PM. A copy of this agenda is available on the Funeral Board website at www.ok.gov/funeral

If attending via videoconference or via telephone Continuing Education credit will not be provided for this meeting. If you plan to attend a Board meeting for Continuing Education credit and would like a rough estimate of the length of time Board staff estimates the meeting might last, please email your request to info@funeral.ok.gov.

*** This symbol denotes the application and/or applicant is not in compliance with 235:1-1-2 (c) (14 day Rule)

ORDER OF BUSINESS: The Board may discuss, vote to approve, vote to disapprove, vote to table, change the sequence of any agenda item, or decide not to discuss any item on the agenda.

1. Roll Call

2. Reading of the Oklahoma Funeral Board mission statement

The mission of the Oklahoma Funeral Board is to act in the public interest and for the protection of the public within the powers vested in the Board by the State of Oklahoma for the regulation and education of the funeral service profession.

3. Approval of the December 9, 2021 Regular Board meeting minutes
4. Oklahoma Funeral Director Association Update from a Representative of OKFDA
5. Oklahoma Insurance Department Update from a Representative of OID
6. Review complaints with possible vote for probable cause or other action

21-02 Non-payment Over 90 Days

22-09 Cremation Issues

22-12 Unlicensed Practice/Selling Caskets/Misleading Advertising

22-16 Overcharging/Death Certificates

22-18 Unlicensed Practice

7. Matters for consideration: Consent Order or Scheduling Order

At the conclusion of the parties' presentation and any questions or public discussion by the Board, the Board may in each complaint case:

- i. consider and vote on motion(s) to conduct executive session(s) pursuant to 25 O.S.2011, Section 307(B)(8) to engage in deliberations or rendering a final or intermediate decision in an individual proceeding pursuant to Article II of the Administrative Procedures Act;
- ii. if an executive session is held, designate a person to keep written minutes of the executive session;
- iii. consider and vote on motion(s) to exit executive session and return to open meeting; and
- iv. consider and vote on motion(s) regarding possible action to be taken regarding matter discussed in executive session.

7A. Complaint 22-05 Adamscrest Funeral Service, Tulsa; Adams-Crest Funeral Home and Cremation Center, LLC, Tulsa; Nick

Reynolds, FDIC, Tulsa. Member Matherly needs to be recused.

7B. Complaint 22-14 Andrea Landrum, Apprentice. Member Matherly needs to be recused.

7C. Complaint 22-15 Michael Overton, Funeral Director and Embalmer, Melvin Blagg, Apprentice. Member Matherly needs to be recused.

8. Vote to affirm or disaffirm the issuance of the following licenses, registrations, certificates, dissolution or other action

A. Apprenticeship (Original)

1. Whitney Horne, Mena, Bunch-Singleton FH, Broken Bow
2. Benjamin Wilbourn, Lindsay, Wilbourn Family FH, Lindsay
3. Nickolas Zyzak, OKC, Alpha and Omega, OKC
4. Rachael Ohlrich, Broken Arrow, Schaudt FS, Tulsa

B. Apprenticeship (1st extension)

1. Ashley King, Edmond, Chapel Hill, OKC
2. Wacee Kerr, El Reno, Wilson FH, El Reno
3. Perry Simpson, Noble, McMahan FH, Noble
4. Chad Austin, Idabel, Miller and Miller, Hugo

C. Apprenticeship (2nd extension)

1. William Swanson, Choctaw, Crawford Family, OKC

D. Apprenticeship (3rd extension)

1. Monica Lam, Shawnee, Smith-Parks FS, Harrah
2. Edward Eschiti, Walters, Southern Plains Mortuary, Walters

E. Apprenticeship (FD only) (Original)

1. Madisyn Tolle, Purcell, Wilson Little FH, Purcell
2. Hellen Yosef, OKC, Crawford, Edmond
3. Lance Yanda, Yukon, Yanda & Son FH, Yukon

F. Apprenticeship (FD only) (1st extension)

1. Michael Frazier, Sr., Hugo, Mt. Olive, Hugo

G. Funeral Director and/or Embalmer (Reciprocal)

1. Aaron Brown, Texas
2. Sheila Brisendine, Texas
3. Danilo Gatón, California
4. Ronnie Dunn, Texas
5. Tristan McAuliff, Arkansas

H. Funeral Director and/or Embalmer (Original)

1. Leslie Sheppard, OKC
2. James Groesbeck, Sand Springs (FD Only)
3. Stephanie Blankenship, Lindsay
4. Che'Lynn Jackson, Tulsa

I. Establishments

1. Howard-Harris FH, Lawton, request to change FDIC from Joe Harris to Audrey Howard-Harris
2. DeArman-Pickard Funeral Home of Stratford, Inc., Stratford, request to change name to DeArman Funeral Home of Stratford
3. Mobley-Groesbeck, Sand Springs, request to change FDIC from Fred Waldrop to Denise Adamson
4. Atoka Funeral Home, Atoka, request to close establishment
5. Atoka Funeral Home, Atoka; New Establishment, Brown's Funeral Service, Inc. Owner; William Stephens FDIC
6. Holmes-Coffey-Murray, Durant, request to change FDIC from Curtis Vaughn to Merle Soltis
7. Prater-Lampton-Mills & Coffey, Hugo, request to change FDIC from Brent Shain to Alan Cowley
8. Mt. Olive FH, Hugo, request to change FDIC from Brent Shain to Alan Cowley
9. Cremation Society, Tulsa, request to change name of Establishment to Cremation Society of Oklahoma
10. Arnold Moore & Neekamp Funeral Home & Cremation, Bartlesville, request to change name to Arnold Moore & Neekamp Funeral Home.
11. Roberts-Reed Culver FH, Stilwell request to change FDIC from David Roberts to Gabrielle Gray
12. Roberts & Hart FH, Westville request to change FDIC from David Roberts to Gabrielle Gray
13. Schaudt's Okmulgee FS & Cremation Care, Okmulgee, request to change FDIC from Stephen Schaudt to Lan Pilkington

14. Schaudt's Tulsa FS & Cremation Care, Tulsa, request to change FDIC from Daniel Schaudt to Alan Hall

15. John M. Ireland & Son, OKC, request to change FDIC from Josie Cleveland to Rubith Lujan

J. Crematory

1. SPS Crematorium, Hugo, request to change FDIC from Brent Shain to Alan Cowley

2. Oklahoma Cremation Centers, Okmulgee, request to change FDIC from Stephen Schaudt to Lane Pilkington

9. **New Business.** Any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda or any revised agenda. 25 O.S. Section 311.9.

10. **Executive Director's Report**

A. Agency Financial update

B. 2022 License Renewals update

11. Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Statutes:

A. Licensing education requirements update

B. FD Only additional hours requirement update

12. **Adjournment**

Tyler Stiles, MBA
Executive Director

The next regular meeting of the Oklahoma Funeral Board will be held:
February 10, 2022. Office of Chief Medical Examiner –OKC 921 N.E. 23rd Street
Conference Room – 1st Floor Oklahoma City, OK 73105.



MINUTES OF A REGULAR MEETING

OKLAHOMA FUNERAL BOARD
3700 N. Classen, Suite 175
Oklahoma City, Oklahoma 73118

November 10, 2021

BOARD MEMBERS

Tom Coble
J. Cooper
Joe Highberger
Brent Matherly
Jim Roberts
Mike Sanders
Chad Vice

STAFF

Shayne Melton
Ashton Poarch, AAG
Rochelle Robinson
Tyler Stiles

MEETING PLACE: MEETING PLACE: Videoconference at
<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>
If calling in by telephone please call 1-408-418-9388; Access Code 1260612143.
If attending in person at the physical location: Office of Chief Medical
Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor
Oklahoma City, OK 73105.

A copy of this notice of meeting and agenda has been posted in a prominent location at the office of the Oklahoma Funeral Board, 3700 North Classen Blvd Suite 175, Oklahoma City, Oklahoma, on December 7, 2021 at 9:30AM. A copy of this agenda is available on the Funeral Board website at www.ok.gov/funeral

Continuing Education credit was not provided for this meeting if attended via videoconference or telephone.

President Highberger called the meeting to order at 10:00AM. Board Members Coble, Matherly, Highberger, Roberts, Sanders, and Vice were

present. Member Cooper was not present for roll call. A quorum was always present.

Member Cooper entered the meeting after roll call.

Reading of the Oklahoma Funeral Board mission statement:

The mission of the Oklahoma Funeral Board is to act in the public interest and for the protection of the public within the powers vested in the Board by the State of Oklahoma for the regulation and education of the funeral service profession.

Motion by Highberger second by Sanders to approve the November 10, 2021 Regular Board meeting minutes. The motion passed unanimously with Member Coble abstaining.

Dustin Pierce with OKFDA updated the Board regarding the OKFDA procrastinators meeting held on December 5th and 6th in Midwest City and that they had 170 licensees come to those meetings and thanked Mr. Stiles for directing licensees to the OKFDA classes.

Motion by Highberger second by Roberts to dismiss complaint 21-34 regarding not providing a GPL and Statement of Goods. The motion passed unanimously.

Motion by Vice second by Highberger to find probable cause on complaint 22-15 regarding Ethics Issues. The motion passed unanimously.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 22-01 Carter-Smart Funeral Home-Duncan, Duncan; Ronald L. Smart, Duncan; Ronald Smart, FDIC, Ronald Smart. Respondents appeared in person. The prosecution was represented by Ashton Poarch, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Cooper, Matherly, Roberts, Sanders, and Vice heard the case. Member Highberger was recused from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Cooper second by Sanders to accept the Consent Order. The consent order consisted of the following: The agreed violations were: failure to maintain an up-to-date body intake log, not having the FDIC reflected on the Body Intake Log, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$500 and Costs of \$250. Motion passed unanimously.

Member Highberger reentered the room.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 22-05 Adamscrest Funeral Service, Tulsa; Adams-Crest Funeral Home and Cremation Center, LLC, Tulsa; Nick Reynolds, FDIC, Tulsa. The respondents appeared on Webex. The prosecution was represented by Ashton Poarch, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Cooper, Highberger, Roberts, Sanders, and Vice heard the case. Member Matherly was recused from the case and he left the room.

After the presentation of the agreed upon Consent Order, motion by Vice second by Cooper to go into executive session. The motion passed unanimously.

Motion by Vice second by Cooper to come out of executive session. Only this case was discussed and no votes were taken. The motion passed unanimously.

The consent order consisted of the following: Failure to comply with the Funeral Rules of the FTC, overcharging, forgery, violation of the ethics rules, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Restitution to the Oklahoma Crime Victims Compensation of \$3,447, Administrative Penalty of \$5,000, 6 hours of additional continuing education, and Costs of \$1,000. Motion by Highberger second by Roberts to deny the Consent Order for the addition of 1 year of probation.

Regarding the matters for consideration: Consent Order or Scheduling Order: Complaint 22-11 Lockstone Funeral Home of Thomas, Inc, Thomas; Lockstone Funeral Home of Thomas, Inc, Owner, Thomas. The respondents appeared via Webex. The prosecution was represented by Ashton Poarch, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Cooper, Highberger, Roberts, Sanders, and Vice heard the case. Member Matherly was recused from the case and he was already outside of the room.

After the presentation of the agreed upon Consent Order, motion by Highberger second by Sanders to approve the Consent Order. The consent order consisted of the following: The agreed violations were: failure to maintain an up-to-date body intake log, not having the FDIC reflected on the Body Intake Log, failure to display licenses, violation of the Funeral Service Licensing Act, and Rules of the Board. The terms consisted of the following: Administrative Penalty of \$250 and Costs of \$250. The motion passed unanimously.

Member Matherly reentered the room.

Motion by Roberts second by Highberger to approve the following:
Apprenticeship (Original) Jonathan Bland, Yukon, McNeils, Mustang; Loran Taff, OKC, OMS, OKC (EM Only); Yobana Cordoba, Edmond, Advantage FH-South, OKC; Mackenzie Parks, OKC, OMS, OKC (EM Only); Devin Stark, The Village, Vondel L. Smith, OKC; Maleha Tatum, Ada, Criswell FH, Ada; Katlynn Chism, MWC, Bill Eisenhour, OKC; Landis Thompson, Broken Arrow, Palmer Marler, Cushing. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following:
Apprenticeship (FD Only) Amber Bright, Moore, John Ireland, Moore; Jessica Ramirez, Purcell, Wadleys FS, Purcell; David Ragsdale, Jr, Muskogee, Biglow Funeral Directors, Muskogee. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following:
Apprenticeship (3rd extension) Randy Brice, Muskogee, Lescher-Millsap, Muskogee. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Funeral Director and/or Embalmer (Reciprocal) Aaron Brown, Texas; Sheila Brisendine, Texas; Danilo Gaton, California. The motion passed unanimously.

Motion by Roberts second by Highberger to table the following: Funeral Director and/or Embalmer (Original) Leslie Sheppard, OKC; James Groesbeck, Sand Springs (FD Only). The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following: Funeral Director and/or Embalmer (Original) Randy Brice, Muskogee. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following:
Establishments, Hartwell FH, Tishomingo, request change of FDIC from Tasha Kemp to Staci Hartwell-Helm; Evans & Miller FH, Poteau, request change of FDIC Jimmy Cook to Justin Tucker; Evans & Miller FH, Pocola, request change of FDIC Jimmy Cook to Justin Tucker; Mallory FH-Porum, Porum, request change of FDIC from Doug Martin to Brian Ford; Mallory FH of Quinton, Quinton, request change of FDIC from Doug Martin to Brian Ford; Mallory-Martin FH of Stigler, Stigler, request change of FDIC from Doug Martin to Blake Martin. The motion passed unanimously.

Motion by Roberts second by Highberger to approve the following:
Crematory, Mallory-Martin Funeral Home and Crematory, Stigler, request

change of FDIC from Doug Martin to Blake Martin. The motion passed unanimously.

No New Business was discussed

Executive Director's Report- Agency Financial update- Mr. Stiles reported gross receipts for November 2021 to be \$60,742.00 with \$5,469.20 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$35,676.51 and net income after expenses totaled \$19,596.29.

Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Statutes: Motion by Highberger second by Sanders to move forward with changing the statute and creating legislation regarding changing the amount of the quorum from 3 member to 4 members. The motion passed unanimously. Statute to read as follows: Quorum Amount Change-§59-396.22. Meetings of Board. Meetings of the Board shall be held at least twice a year at such places as may be designated by the Board. Four Three members of the Board shall constitute a quorum.

Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Statutes: Motion by Highberger second by Roberts to move forward with changing the statute and creating legislation regarding changing the amount of education requirements for the FD and EM licenses. The motion failed with Members Highberger, Roberts, and Sanders voting Aye, and Members Coble, Cooper, Matherly, and Vice voting No.

Statute was to read as follows:

FD/EM Licensing education requirements -§59-396.3. Qualifications and examination of funeral directors and embalmers - Approved schools
B. 1. Except as provided in subsection C of this section, the minimum requirements for a license to practice funeral directing or embalming, or both, are as follows: The minimum requirements for a license to practice funeral directing or embalming, or both, are as follows:

An applicant for a license to practice funeral directing or embalming shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the United States. In addition, an applicant ~~shall have at least sixty (60) semester hours of study earned, measured in quarter or clock hours, from a regionally accredited college or university;~~ shall be a graduate of a program of mortuary science accredited by the American Board of Funeral Service Education, and have served one (1) year as a registered apprentice. The applicant may serve as a registered apprentice

prior to enrollment in an approved school of mortuary science, or subsequent to graduation from the school and pass the International Conference of Funeral Service Examining Board National Board Science Examination and/or Arts Examination with a 75 or higher on each exam.

Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Statutes: Motion by Cooper to move forward with changing the statute and creating legislation regarding changing the amount of education requirements for the FD Only license. The Motion died due to lack of a second.

The Statute was to read as follows:

FD Only additional hours requirement- -§59-396.3. C. 1. If a person chooses not to meet the qualifications in subsection B of this section for a funeral director, the person may alternatively qualify for a license to practice funeral directing, but not embalming, upon meeting the eligibility requirements of this subsection as follows: An applicant for a license to practice funeral directing shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the United States. An applicant is required to complete a funeral director course of study approved by the Oklahoma Funeral Board and that is administered by program of mortuary science accredited by the American Board of Funeral Service Education (ABFSE). The funeral director course of Study shall include at least thirty (30) semester hours or Equivalent closely following the ABFSE curriculum standard, limited to only: Business Management, Cremation, Social Sciences/Humanities, Legal, Ethical, Regulatory, plus essential elements of embalming, restorative art, general concerns when dealing with human remains, a practicum experience and preparation for the required board exams. In addition to the funeral director course of study the applicant is required to complete at least sixty (60) additional semester hours of study earned, measured in quarter or clock hours, from a regionally accredited college or university and must complete a twelve-month minimum term as a registered apprentice with employment at a licensed establishment and must have assisted with twenty-five arrangement conferences and assisted with twenty five separate funeral or memorial services under the supervision of a licensed funeral director in this state. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, concurrently while in mortuary school, or subsequent to completion of the funeral director course of study.

Review, discussion by the Board members, and possible action regarding proposed changes to the Oklahoma Funeral Board Statutes: Motion by Highberger second by Roberts to move forward with changing the Board Rules to include procedures for rule promulgation following the update from

the Administrative Procedures Act. Board staff will begin the Rule change process. The language will be as follows:

OAC 235:10-1-4. Requests for rule interpretation or promulgation

(1) Requests for rule interpretation

- a. Any person who may be affected by the existence of application of any of the rules of this chapter may request in writing an interpretation of ruling regarding the application of such rule to the facts furnished with the inquiry. Any such request shall state fully the facts concerning which the rule may apply, and the particular rule about which the question exists. The request or inquiry will be added to the agency for the next scheduled Board meeting and may if necessary be continued for further consideration to additional business meetings. The Board's interpretation of the rule will be furnished in writing to the person making the request, within a reasonable time thereafter.
- b. Requests for interpretation of rules shall not be accepted or considered if the request involves facts and/or circumstances whereupon a complaint has been filed, but not yet disposed.

(2) Requests for rule adoption, amendment, or repeal

- a. Any interested person may request the Board to adopt, amend or repeal a rule in this chapter. The request shall be made in writing and shall include an explanation to support the request. A request shall also include:
 - i. the name, address and telephone number of the person making the request;
 - ii. the name, address and telephone number of the agency or organization the person represents, if any;
 - iii. the reason for requesting the adoption, amendment, or repeal of a rule;
 - iv. the number used to identify the rule if the request is to amend or repeal an existing rule; and
 - v. the proposed language if the request is to amend an existing rule or adopt a new rule.
- b. It is the Board's policy to respond to such requests within 30 calendar days.

President Highberger will communicate with OKFDA and Dr. Fritch from UCO on the committee regarding legislation changes for the education requirements on licensure. Member Highberger will call the committee members to schedule more meetings.

Motion by Roberts second by Sanders to adjourn the meeting at 12:00PM.
The motion passed unanimously.

Joe Highberger
Oklahoma Funeral Board President

**BEFORE THE OKLAHOMA FUNERAL BOARD
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT
AGAINST:**

ADAMSCREST FUNERAL SERVICE

A Licensed Funeral Establishment,
Establishment License # 1808ES
1916 South Sheridan Road
Tulsa, OK 74112

owned by:

**ADAMS-CREST FUNERAL HOME AND
CREMATION CENTER, LLC**

1916 South Sheridan Road
Tulsa, OK 74112

NICK REYNOLDS,

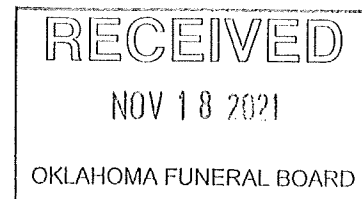
Licenses: 2605FD and 2740EM,
Address: 1916 South Sheridan Road
Tulsa, OK 74112

A Licensed Funeral Director and Embalmer
and the Funeral Director in Charge at

ADAMSCREST FUNERAL SERVICE,

Respondents.

Complaint No. 22-05



COMPLAINT AND NOTICE OF HEARING

COMES NOW the State of Oklahoma, *ex rel.*, Oklahoma Funeral Board (“Board”), by and through Assistant Attorney General Ashton Poarch, and alleges that the Respondents, an Establishment and a Funeral Director in Charge, duly licensed by the Board have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the “Act”), and Rules of the Board, Oklahoma Administrative Code (“OAC”) Section 235:10-1-1 *et seq.* (the “Rules”), in the manner set forth below:

FACTUAL ALLEGATIONS

1. Respondent ADAMSCREST FUNERAL SERVICE, (“Funeral Home” or “Establishment”), with establishment license number 1808ES, located at 1916 South Sheridan Road, Tulsa, OK 74112, was at all relevant times owned by ADAMS-CREST FUNERAL HOME AND CREMATION CENTER, LLC, 1916 South Sheridan Road, Tulsa, OK 74112, and as such, ADAMS-CREST FUNERAL HOME AND CREMATION CENTER, LLC is liable and responsible for any penalty imposed in these proceedings.
2. Respondent NICK REYNOLDS is a licensed Funeral Director and Embalmer, license numbers 2605FD and 2740EM, and was the Funeral Director in Charge (“FDIC”) of Funeral Home at the time of the conduct giving rise to this complaint; the FDIC is responsible for the Establishment’s legal and ethical operation pursuant to 59 O.S. § 396.2(12).
3. On or about August 17, 2021, Board staff received a written complaint from a member of the public, alleging that Respondents engaged in fraudulent billing practices. Specifically, the complaint alleged that, after the family of the decedent declined to use the Oklahoma Victims Compensation Fund (the “Fund”) and paid out of pocket for all contracted goods and services (the “First Contract”), Respondents generated a second contract with additional goods and services listed and submitted the second contract to the Fund for payment in full (the “Second Contract”). Respondents received payment on the Second Contract from the Fund and sent a refund to the decedent’s family for the amount they already paid. Staff and executives of the Fund echoed the above allegations during a meeting on August 16, 2021 with the Executive Director of the Oklahoma Funeral Board. Staff of the Fund then filed a written complaint regarding the same conduct described herein with the Oklahoma Funeral Board on August 18, 2021.

- a. The First Contract stated that the goods and services provided were four thousand, one hundred and fifty-nine dollars (\$4,159.00). The Funeral Home applied a discount of one thousand, seven hundred and fifteen dollars (\$1,715.00), leaving an outstanding balance of two thousand, four hundred and forty-four dollars (\$2,444.00), which the family of the decedent paid in full via check on or about October 26, 2020.
 - b. The Second Contract, which the Funeral Home tendered to the Fund for payment, stated that the goods and services provided were seven thousand, five hundred dollars (\$7,500.00). The Second Contract also showed the family's payment of two thousand, four hundred and forty-four dollars (\$2,444.00), leaving an outstanding balance of five thousand and fifty-six dollars (\$5,056.00).
 - c. The FDIC submitted a claim for payment on the Second Contract to the Fund on or about March 2, 2021.
4. Notice of the Complaint was subsequently provided to the Respondents by letter dated August 19, 2021. On September 13, 2021, the Respondents filed their response to Complaint 22-05 with the Board, stating as follows:
 - a. Respondents feel that Oklahoma Victims Compensation Fund is for families and funeral homes alike. Further, Respondents state that the decedent's family received all goods and services listed on the Second Contract; thus, there was no deceptive billing. Respondents treat insurance claims, Tribal benefits claims, and Oklahoma Victims Compensation Funds claims similarly—they advise the families of the available funds and file the paperwork on their behalf. Finally, the Respondents stated that this series of complaints will not change the way they handle funeral arrangements for murdered decedents.

5. This matter was presented to the Board on November 10, 2021, for a probable cause determination, and the Board found probable cause to file a formal complaint against the Respondents.

6. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the violations alleged.

ALLEGED CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondents pursuant to 59 O.S. § 396.2a(9) and (11).
2. The statutory list of relevant violations for which the Board may suspend or revoke a license is found at 59 O.S. § 396.12c, which in relevant part provides:

After notice and hearing pursuant to Article II of the Administrative Procedures Act, the Oklahoma Funeral Board may refuse to issue or renew, or may revoke or suspend, any license or registration for any one or combination of the following:

5. Violation of any of the provisions of the Funeral Services Licensing Act or any violation of Sections 201 through 231 of Title 8 of the Oklahoma Statutes;

8. Violation of any rules of the Board in administering the purposes of the Funeral Services Licensing Act;

14. Failing to comply with the Funeral Rules of the Federal Trade Commission, 15 U.S.C., Section 57a(a).

3. Respondents violated 59 O.S. § 396.12c(14) when they violated 16 C.F.R. § 453.2(a), which was promulgated pursuant to 15 U.S.C. § 57a(a), by engaging in unfair or deceptive acts or practices. 16 C.F.R. § 453.2(a) with emphasis provides:

(a) Unfair or deceptive acts or practices. In selling or offering to sell funeral goods or funeral services to the public, **it is an unfair or deceptive act or practice for a funeral provider to fail to furnish accurate price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services used** in connection with the disposition of deceased human bodies, including at least the price of embalming, transportation of remains, use of facilities, caskets, outer burial containers, immediate burials, or direct cremations, to persons inquiring about the purchase of funerals. Any funeral provider who complies with

the preventive requirements in paragraph (b) of this section is not engaged in the unfair or deceptive acts or practices defined here.

Unfair or deceptive acts or practices are described in 16 C.F.R. § 453.2(b), which provides that the following information must be furnished to the consumer:

(5) Statement of funeral goods and services selected.

(i) Give an itemized written statement for retention to each person who arranges a funeral or other disposition of human remains, at the conclusion of the discussion of arrangements. This statement must include the following information:

(A) The funeral goods and funeral services selected by that person and the prices to be paid for each of them;

(B) Specifically itemized cash advance items. (These prices must be given to the extent then known or reasonably ascertainable. If the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid.); and

(C) The total cost of the goods and services selected.

4. Respondents violated 59 O.S. § 396.12c(8) when they violated OAC 235:10-7-2(4)(A) and (C) by failing to provide an accurate statement of goods to the decedent's family at the conclusion of the discussion of arrangements. Board rules OAC 235:10-7-2(4)(A) and (C) provide:

(4) Statement of goods and services selected. Failure to give an itemized written statement for retention to each person who arranges a funeral or other disposition of human remains, at the conclusion of the discussion of arrangements. The statement must list at least the following information:

(A) the funeral goods and funeral services selected by that person and the prices to be paid for each of them;

...

(C) the total cost of the goods and services.

5. Respondents violated 59 O.S. § 396.12c(8) when they violated OAC 235:10-7-2(13) by presenting the Second Contract to the Oklahoma Victims Compensation Fund that included additional items that the decedent's family did not contract for, as evidenced by the First Contract. Board rule OAC 235:10-7-2(13) provides:

Charging. For service or merchandise not contracted for or failing to provide the services or merchandise contracted for or making substitution for services or merchandise contracted for without the authorization of the customer.

6. Respondents violated 59 O.S. § 396.12c(8) when they violated OAC 235:10-7-2(23) by creating the Second Contract, which the decedent's family never agreed to, for presentation to the Oklahoma Victims Compensation Fund. Board rule OAC 235:10-7-2(23) provides:

Forgery. Creating a false document, fraudulently altering a document, or writing a false signature upon any document.

7. Respondents violated 59 O.S. § 396.12c(8) when they violated OAC 235:10-7-2(26) by (1) creating the Second Contract, which misrepresented the goods and services the decedent's family agreed to in the First Contract; and (2) presenting the Second Contract to the Oklahoma Victims Compensation Fund for payment in full despite the family's refusal of such funds. Board rule OAC 235:10-7-2(26), in relevant part, provides:

(b) Integrity.

(i) A licensee shall be honest and trustworthy in the performance of all duties and work performed as a licensee and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission.

...

(iii) A licensee shall respect a consumer's right of personal choice and decisions with regard to making arrangements.

...

(d) Specific Rules of Conduct.

(i) A licensee shall provide to consumers and prospective consumers, where applicable, all statutorily required documentation, pricing information, and any other information concerning funerals, cremations, burials, pricing, merchandise, and services provided by licensee.

...

(vi) A licensee shall not engage in any activity that constitutes dishonesty, misrepresentation, or fraud while performing as a licensee.

8. As the Funeral Director in Charge at the times in question, NICK REYNOLDS is responsible for the legal and ethical operation of ADAMSCREST FUNERAL SERVICE and is accountable to the Board under 59 O.S. § 396.2(12), which provides:

"Funeral director in charge" means an individual licensed as a funeral director and embalmer designated by a funeral service establishment, commercial embalming

establishment, or crematory who is responsible for the legal and ethical operation of the establishment and is accountable to the Board.

9. Respondents ADAMSCREST FUNERAL SERVICE, and NICK REYNOLDS are subject to disciplinary action by the Board pursuant to 59 O.S. §§ 396.2a(9), 396.12c(5), 396.12c(8), 396.12c(14), 396.12d, and 396.12e. The violation of any Board rule or of a provision of the Funeral Services Licensing Act subjects to discipline the respective Respondents who violated it. 59 O.S. §§ 396.12(c)(5) (violation of statute) and (8) (violation of rule).

POTENTIAL PENALTIES THE BOARD MAY IMPOSE

1. The Board may impose a variety of penalties for violation of the Act or of Board Rules, including: (1) denial, revocation, suspension or nonrenewal of license; (2) imposition of administrative fines; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c, 396.12d, and 396.12e.

2. Potential administrative penalties identified in 59 O.S. § 396.12e are:

A. Any person or entity who has been determined by the Oklahoma Funeral Board to have violated any provision of the Funeral Services Licensing Act or any rule or order issued pursuant thereto may be liable for an administrative penalty. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for any related series of violations.

B. The Board shall be authorized, at its discretion, to take action as the nature of the violation requires. The Board shall have the authority to impose on the licensee, or certificate holder, as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation. The costs may include but are not limited to staff time, salary and travel expenses, witness fees and attorney fees, and shall be considered part of the order of the Board.

C. The amount of the penalty shall be assessed by the Board pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Board shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act. The Board shall make a report of any action

to any entity deemed appropriate for transmittal of the public record but shall in no cause be held liable for the content of the reported action or be made a party to any civil liability action taken as a result of the discipline imposed by the Board. All monies collected from the administrative penalties shall be deposited with the State Treasurer and by the State Treasurer placed in the "Fund of the Oklahoma Funeral Board ", created pursuant to Section 17 of this act.

D. Any license or certificate of apprenticeship holder may elect to surrender the license or certificate of apprenticeship of the person in lieu of said penalty but shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.

NOTICE OF HEARING

In accordance with the jurisdiction granted this tribunal in 59 O.S. §§ 396.2a(7) & (9), 396.12c, 396.12d, and 396.12e a **joint proposed Consent Order** may be presented at the Board meeting on: **THURSDAY, DECEMBER 9, 2021, at 10:00 A.M.**

MEETING PLACE:

Videoconference at <https://oklahomafuneralboard.my.webex.com/meet/Funeralboard> We ask that only the Respondents in a complaint use the video camera function. If calling in by telephone please call 1-408-418-9388; Access Code 1260612143. If attending in person at the physical location: Office of Chief Medical Examiner OKC, 921 N.E. 23rd Street Conference Room 1st Floor Oklahoma City, OK 73105.

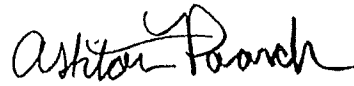
If no Consent Order is presented or approved by the Board on December 9, 2021, then an **EVIDENTARY HEARING** will be held at the same meeting on: **THURSDAY, DECEMBER 9, 2021, at 10:00 A.M.**

If it be the decision of the Board, after considering all of the evidence presented, that a Respondent is in violation of any of the above-referenced law, the Board may take whatever appropriate action that is provided for in its rules and statutes. The Respondents are advised that in accordance with the above-referenced legal authority that they have the right to appear personally, the right and obligation to submit a written response, and the right to appear through an attorney. In addition, the Respondents have the right to cross-examine witnesses and present evidence on their own behalf.

However, if a Respondent is not a person but is instead an entity such as a corporation or an LLC, although the corporation or LLC may by law enter into a consent order without an attorney, if an evidentiary hearing is required the Respondent corporation or LLC by law may only cross-examine witnesses, present evidence and/or defend itself at the hearing if it is represented by an attorney licensed in the State of Oklahoma. *See Redcorn, Jr., v. Knox*, 2014 OK CIV APP 109, 345 P.3d 392 (an agreed order is in the nature of a contract by which a corporation is bound even if not represented by an attorney); *Massongill v McDevitt*, 1989 OK CIV APP 82, 828 P.2d 438 (although a person may appear at a hearing and represent himself/herself without an attorney, a person is not able to appear on behalf of a corporation, regardless of the person's interest in the corporation or authorization by the corporation, unless the person is a licensed attorney). If a Respondent corporation or LLC chooses not to retain an attorney, although it may not under such circumstances present evidence on its own behalf, the Board might consider favorable (or unfavorable) evidence submitted by co-Respondents or the State when considering the violations alleged against the Respondent corporation or LLC. *See Enochs v. Martin*, 1997 OK 132, 954 P.2d 124 (even though a corporation had no attorney and was therefore in default, the court could in the absence of any objection at the hearing consider in the corporation's favor evidence offered in the case in joint defense by one of the other named parties).

Therefore, the Respondents are directed to appear at said hearing on said date and time. If a Respondent does not appear in person or through an attorney, the hearing will be held in its absence. **Note: OAC Section 235:10-7-2(21) requires that each Respondent must submit to the Board a response to this Complaint within ten (10) days of receipt of the Complaint.**

Respectfully submitted:

A handwritten signature in black ink that reads "Ashton Poarch". The signature is fluid and cursive, with the first name "Ashton" and last name "Poarch" clearly distinguishable.

Ashton Poarch, OBA # 34308
Assistant Attorney General
Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
Ashton.Poarch@oag.ok.gov
Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE


I hereby certify that on the 1st day of November, 2021, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served either mailing by Certified Mail or by handing to a process server for service in person, as follows:

BY CERTIFIED MAIL:

ADAMSCREST FUNERAL SERVICE
1916 South Sheridan Road
Tulsa, OK 74112

ADAMS-CREST FUNERAL HOME AND
CREMATION CENTER, LLC
1916 South Sheridan Road
Tulsa, OK 74112

NICK REYNOLDS
1916 South Sheridan Road
Tulsa, OK 74112



Tyler Stiles, MBA
Executive Director

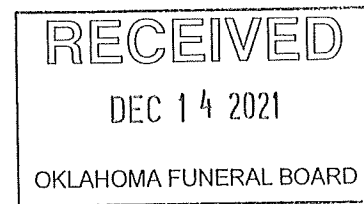
**BEFORE THE OKLAHOMA FUNERAL BOARD
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT
AGAINST:**

ANDREA LANDRUM,
Certificate: 6377AP
Address: 517 West Owing
Denison, TX 75020
A registered apprentice,

Respondent.

Complaint No. 22-14



COMPLAINT AND NOTICE OF HEARING

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board (“Board”), by and through Assistant Attorney General Ashton Poarch, files this Complaint and Notice of Hearing, alleging that the Respondent, ANDREA LANDRUM (“Respondent”), has violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the “Act”), and Rules of the Board, Oklahoma Administrative Code (“OAC”) Section 235:10-1-1 *et seq.* (the “Rules”), in the manner set forth below:

JURISDICTION

1. Respondent, an apprentice with certificate number 6377AP, was registered with the Board at all relevant times.
2. The Board has jurisdiction over Respondent pursuant to 59 O.S. §§ 396.2a(9) and (11). *See also* 59 O.S. § 396.12f(F).

FACTUAL ALLEGATIONS

3. On July 26, 2021, the Board received correspondence from Brown’s Durant Funeral Service & Crematory, establishment license number 1420ES (the “Funeral Home”), that the

Funeral Home no longer employed Respondent. Upon further questioning, the Funeral Home confirmed that Respondent's final day of employment was July 24, 2021 (the "Date of Separation").

4. On October 9, 2021, Respondent submitted her apprentice reports for July, August, and September in compliance with OAC 235:10-3-5(c)(2). As evidence of compliance with OAC 235:10-3-5(c)(6), Respondent attached copies of the Funeral Home's body intake logs from July 7, 2021 to September 23, 2021 to the reports ("Respondent's Logs"). Respondent's Logs included seventeen (17) entries listing Respondent as the attending apprentice after the Date of Separation.

5. On October 14, 2021, after reviewing Respondent's Logs, Board staff contacted the Funeral Home requesting copies of their body intake logs from June 12, 2021 to September 8, 2021 (the "Funeral Home's Logs"). The Funeral Home provided the requested documentation the same day. Board staff observed that the Funeral Home's Logs did not include Respondent as the attending apprentice for the seventeen (17) entries after the Date of Separation.

6. On October 21, 2021, Board staff filed a complaint with the Board, alleging that Respondent falsified her reports in violation of OAC 235:110-7-2(1), (23), and (26). The Board provided Respondent with the Notice of Complaint via letter the following day, October, 22, 2021. Respondent filed her response with the Board on October 27, 2021, stating as follows:

[A]fter that July 24, 2021, I never entered Browns [*sic*] Funeral Home or even walked onto their property. . . . Did I sign cases that I was not present for? Yes, sir, I did. . . . I knew better than to do what I had done. It was wrong, and all I can do is apologize. . . . All I can say is I am very sorry, and it will not happen again.

7. By public vote during a regularly scheduled meeting on November 10, 2021, the Board found probable cause to file a formal complaint against Respondent for the violations alleged herein.

8. The prosecution has sufficient evidence to meet the clear and convincing standard, if presented to the Board in an evidentiary hearing.

ALLEGED CONCLUSIONS OF LAW

9. Respondent violated OAC 235:10-7-2(1), (23) and (26) by falsifying reports and submitting said reports to the Board. The aforementioned subsections of OAC 235:10-7-2 provide:

(1) **Material misrepresentation.** Material misrepresentation to the public of facts, requirements of Oklahoma Statutes, State Board Rules, or any rule or regulation pertaining directly to the custody, care, or disposal of dead human remains. Material misrepresentations is also construed to include a person knowingly and willfully signing a certificate as having embalmed, cremated, or prepared a dead human body for disposition when, in fact, the services were not performed as indicated. A material misrepresentation also includes misrepresentation to the Board of completion of continuing education requirements when the requirements were not met.

...

(23) **Forgery.** Creating a false document, fraudulently altering a document, or writing a false signature upon any document.

...

(26) **Violation of Any of The Ethics Rules:**

(a) The licensee shall be knowledgeable of and comply with all federal and state laws, rules, and codes applicable to the Funeral Service industry. It is the obligation of the licensee to exercise reasonable judgment and skill in the performance of all duties and work performed as a licensee and to not as determined by the Board perform his or her duties in a negligent or incompetent manner. The licensee must perform his or her duties with honesty, integrity, and in a trustworthy manner.

(b) **Integrity.**

(i) A licensee shall be honest and trustworthy in the performance of all duties and work performed as a licensee and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission.

...

(d) **Specific Rules of Conduct.**

...

(vi) A licensee shall not engage in any activity that constitutes dishonesty, misrepresentation, or fraud while performing as a licensee.

10. Due to the above violations, Respondent is subject to disciplinary action by the Board. *See* 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

AUTHORIZED PENALTIES

11. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations¹; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

12. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.” 59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

13. In lieu of prosecution, Respondent “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, should Respondent choose to surrender her certificate of apprenticeship, she “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

¹ When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **JANUARY 13, 2022 at 10:00 A.M.** Respondent may appear personally or through an attorney. If Respondent fails to appear, the hearing will be held in her absence. Respondent has the right to submit a written response, cross-examine witnesses, and present evidence on her behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondent is in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

MEETING PLACE:

In-Person

Office of Chief Medical Examiner
1st Floor Conference Room
921 N.E. 23rd Street
Oklahoma City, OK 73105

Videoconference

[https://oklahomafuneralboard.my.
webex.com/meet/Funeralboard](https://oklahomafuneralboard.my.webex.com/meet/Funeralboard)

The Board asks that only the
Respondents use the video camera
function.

Telephone

1-408-418-9388
Access Code:
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:



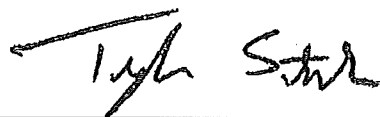
Ashton Poarch, OBA # 34308
Assistant Attorney General
Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
Ashton.Poarch@oag.ok.gov
Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of December, 2021, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was properly served as follows:

BY CERTIFIED MAIL:

ANDREA LANDRUM
517 West Owing
Denison, TX 75020

A handwritten signature in black ink, appearing to read "Tyler Stiles", is written over a horizontal line.

Tyler Stiles, MBA
Executive Director

**BEFORE THE OKLAHOMA FUNERAL BOARD
STATE OF OKLAHOMA**

**IN THE MATTER OF THE COMPLAINT
AGAINST:**

MICHAEL D. OVERTON,

Licenses: 3140FD and 3518EM,

Address: 1611 Larkspur Lane
Durant, OK 74701

A Licensed Funeral Director and Embalmer
and the Funeral Director in Charge at

**BROWN'S DURANT FUNERAL SERVICE
& CREMATORY, and**

MELVIN R. BLAGG,

Licenses: 6155AP

Address: 1000 Parkview
Durant, OK 74701

An apprentice at

**BROWN'S DURANT FUNERAL SERVICE
& CREMATORY**

Complaint No. 22-15

RECEIVED

DEC 14 2021

OKLAHOMA FUNERAL BOARD

Respondents.

COMPLAINT AND NOTICE OF HEARING

The State of Oklahoma, *ex rel.*, Oklahoma Funeral Board ("Board"), by and through Assistant Attorney General Ashton Poarch, files this Complaint and Notice of Hearing, alleging that the Respondents, MICHAEL D. OVERTON and MELVIN R. BLAGG ("Respondents"), have violated provisions of the State Funeral Services Licensing Act, 59 O.S. § 395.1 *et seq.* (the "Act"), and Rules of the Board, Oklahoma Administrative Code ("OAC") Section 235:10-1-1 *et seq.* (the "Rules"), in the manner set forth below:

JURISDICTION

1. Respondent MICHAEL D. OVERTON (“Overton”) is licensed by the Board as a funeral director and embalmer, license numbers 3140FD and 3518EM, and at all relevant times was the Funeral Director in Charge (“FDIC”) at Brown’s Durant Funeral Service & Crematory, establishment license number 1420ES (the “Funeral Home”).

2. Respondent MELVIN R. BLAGG, an apprentice at the Funeral Home with certificate number 6155AP (“Blagg”), was registered with the Board at all relevant times.

3. The Board has jurisdiction over Respondents pursuant to 59 O.S. §§ 396.2a(9) and (11). *See also* 59 O.S. § 396.12f(F).

FACTUAL ALLEGATIONS

4. On July 26, 2021, the Board received correspondence from Brown’s Durant Funeral Service & Crematory, establishment license number 1420ES (the “Funeral Home”), that the Funeral Home no longer employed Andrea Landrum, an apprentice with certificate number 6377AP (“Landrum”). Upon further questioning, the Funeral Home confirmed that Landrum’s final day of employment was July 24, 2021 (the “Date of Separation”).

5. On October 9, 2021, Landrum submitted her apprentice reports for July, August, and September in compliance with OAC 235:10-3-5(c)(2). As evidence of compliance with OAC 235:10-3-5(c)(6), Landrum attached copies of the Funeral Home’s body intake logs from July 7, 2021 to September 23, 2021 to the reports (“Landrum’s Logs”). Landrum’s Logs included seventeen (17) entries listing Landrum as the attending apprentice after the Date of Separation. Overton signed Landrum’s apprentice reports on September 23, 2021, certifying:

that [Landrum] has been in our employment for the period indicated and has obtained experience in embalming evidenced by notation in the requisite embalming log and funeral services as indicated [on the apprentice report].

6. On October 14, 2021, after reviewing Landrum's Logs, Board staff contacted the Funeral Home requesting copies of their body intake logs from June 12, 2021 to September 8, 2021 (the "Funeral Home's Logs"). The Funeral Home provided the requested documentation the same day. Board staff observed that the Funeral Home's Logs did not include Landrum as the attending apprentice for the seventeen (17) entries after the Date of Separation.

7. On October 21, 2021, Board staff filed a complaint with the Board, alleging that Landrum falsified her reports in violation of OAC 235:110-7-2(1), (23), and (26). The Board provided Landrum with the Notice of Complaint via letter the following day, October, 22, 2021.

8. Landrum filed her response with the Board on October 27, 2021, admitting that she falsified her reports. Landrum further stated that Overton and Blagg encouraged and assisted Landrum in falsifying her reports. Specifically, Overton falsely certified that Landrum acted as the attending apprentice on the aforementioned seventeen (17) occasions; and Blagg encouraged Landrum falsify her reports in order to "keep up her numbers." To that end, Blagg provided Landrum with copies of the Funeral Home's log book, which included two full pages of entries dated after the Date of Separation.

9. On October 27, 2021, Board staff filed a complaint with the Board, alleging that Respondents assisted Landrum in falsifying her reports in violation of OAC 235:110-7-2(1), (23), and (26). The Board provided Respondents with the Notice of Complaint via letter the same day.

10. On October 28, 2021, Overton filed his response to Complaint 22-15 with the Board, stating that:

The quarterly [apprentice] report submitted by Landrum to Funeral Board and signed by me on Sept. 23, 2021, did not reflect the true and accurate number of embalming's [*sic*] and services performed by Landrum.

11. On October 28, 2021, Blagg filed his response to Complaint 22-15 with the Board. In sum, Blagg admits to giving Landrum copies of the Funeral Home's log book, but maintains that "[t]hese reports were given to Landrum in good faith so that she could file her reports for that quarter." As previously alleged, Blagg provided Landrum with extra pages of the Funeral Home's logs, despite knowing that Landrum was not employed with the Funeral Home on those dates. In his response, Blagg effectively admitted that he was aware Landrum would have no legitimate use for the extra pages:

Landrum had requested that she needed a copy of the embalming [logs] so that she can file her apprentice reports from when she was working here. . . . There was no other reason for her to have these [logs] other than for her to file a correct and honest apprentice report to the board.

12. By public vote during the meeting on December 9, 2021, the Board found probable cause to file a formal complaint against Respondents for the violations alleged herein.

13. The prosecution has sufficient evidence which, if presented to the Board at an evidentiary hearing, would constitute clear and convincing evidence of the violations alleged.

ALLEGED CONCLUSIONS OF LAW

14. Respondent Overton violated OAC 235:10-7-2(1), (23) and (26) by falsely certifying reports for submission to the Board. The aforementioned subsections of OAC 235:10-7-2 provide:

(1) **Material misrepresentation.** Material misrepresentation to the public of facts, requirements of Oklahoma Statutes, State Board Rules, or any rule or regulation pertaining directly to the custody, care, or disposal of dead human remains. Material misrepresentation is also construed to include a person knowingly and willfully signing a certificate as having embalmed, cremated, or prepared a dead human body for disposition when, in fact, the

services were not performed as indicated. A material misrepresentation also includes misrepresentation to the Board of completion of continuing education requirements when the requirements were not met.

...

(23) **Forgery.** Creating a false document, fraudulently altering a document, or writing a false signature upon any document.

...

(26) **Violation of Any of The Ethics Rules:**

(a) The licensee shall be knowledgeable of and comply with all federal and state laws, rules, and codes applicable to the Funeral Service industry. It is the obligation of the licensee to exercise reasonable judgment and skill in the performance of all duties and work performed as a licensee and to not as determined by the Board perform his or her duties in a negligent or incompetent manner. The licensee must perform his or her duties with honesty, integrity, and in a trustworthy manner.

(b) **Integrity.**

(i) A licensee shall be honest and trustworthy in the performance of all duties and work performed as a licensee and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission.

...

(d) **Specific Rules of Conduct.**

...

(vi) A licensee shall not engage in any activity that constitutes dishonesty, misrepresentation, or fraud while performing as a licensee.

15. Respondent Blagg violated OAC 235:10-7-2(26) by providing a former Funeral Home employee with copies of the Funeral Home's logs for dates after the employment terminated and for which the former employee would have no legitimate use. The relevant subsections of OAC 235:10-7-2(26) provide:

(26) **Violation of Any of The Ethics Rules:**

(a) The licensee shall be knowledgeable of and comply with all federal and state laws, rules, and codes applicable to the Funeral Service industry. It is the obligation of the licensee to exercise reasonable judgment and skill in the performance of all duties and work performed as a licensee and to not as determined by the Board perform his or her duties in a negligent or incompetent manner. The licensee must perform his or her duties with honesty, integrity, and in a trustworthy

manner.

(b) Integrity.

(i) A licensee shall be honest and trustworthy in the performance of all duties and work performed as a licensee and shall avoid misrepresentation and deceit in any fashion, whether by acts of commission or omission.

...
(d) Specific Rules of Conduct.

...
(vi) A licensee shall not engage in any activity that constitutes dishonesty, misrepresentation, or fraud while performing as a licensee.

16. Due to the above violations, Respondents are subject to disciplinary action by the Board.
See 59 O.S. §§ 396.2a(9) and (11); *id.* at §§ 396.12c(A)(5) and (8); *id.* at § 396.12d; *id.* at § 396.12e.

AUTHORIZED PENALTIES

17. The Board is authorized to impose any of the following penalties for violations of the Act or Rules: (1) denial, revocation, suspension, or nonrenewal of license or certificate of apprenticeship; (2) administrative fines up to ten thousand dollars (\$10,000.00) per series of related violations¹; (3) injunctive proceedings; and (4) other disciplinary action. 59 O.S. §§ 396.12c(5) and (8); *id.* at § 396.12c; *id.* at § 396.12d; *id.* at § 396.12e.

18. Further, the Board is authorized to “impose . . . as a condition of any adverse disciplinary action, the payment of costs expended by the Board in investigating and prosecuting the violation.”

¹ When determining the amount of an administrative penalty, the Board shall consider, but not be limited to:

the nature, circumstances and gravity of the violation and, with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of the Funeral Services Licensing Act.

59 O.S. § 396.12e(B). Costs may include, but are not limited to, “staff time, salary and travel expenses, [and] witness fees and attorney fees.” *Id.*

19. In lieu of prosecution, Respondents “may elect to surrender the license or certificate of apprenticeship.” *Id.* at § 396.12e(D). However, should Respondents choose to surrender their licenses and/or certificates of apprenticeship, they “shall be forever barred from obtaining a reissuance of said license or certificate of apprenticeship.” *Id.*

NOTICE OF HEARING

An **EVIDENTARY HEARING** will be held before the Board on **JANUARY 13, 2022 at 10:00 A.M.** Respondents may appear personally or through an attorney. If Respondents fail to appear, the hearing will be held in their absence. Respondents have the right to submit a written response, cross-examine witnesses, and present evidence on their behalf. *See* 75 O.S. §§ 309 and 310. If the Board decides, after considering all the evidence presented, that Respondents are in violation of any of the above-referenced laws, the Board may take any authorized disciplinary action it deems appropriate.

MEETING PLACE:

In-Person

Office of Chief Medical Examiner
1st Floor Conference Room
921 N.E. 23rd Street
Oklahoma City, OK 73105

Videoconference

<https://oklahomafuneralboard.my.webex.com/meet/Funeralboard>

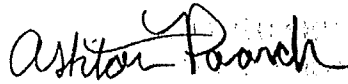
The Board asks that only the Respondents use the video camera function.

Telephone

1-408-418-9388
Access Code:
1260612143

Instead of proceeding with the aforementioned hearing, the parties may present a **JOINT PROPOSED CONSENT ORDER** to the Board on the same date and time. *See* 75 O.S. § 309(E).

Respectfully submitted:



Ashton Poarch, OBA # 34308
Assistant Attorney General
Office of the Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, OK 73105
Ashton.Poarch@oag.ok.gov
Attorney for Oklahoma Funeral Board

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of December, 2021, a true and correct copy of the foregoing *Complaint and Notice of Hearing* was served as follows:

BY CERTIFIED MAIL:

MICHAEL D. OVERTON
1611 Larkspur Lane
Durant, OK 74701

MELVIN R. BLAGG
1000 Parkview
Durant, OK 74701



Tyler Stiles, MBA
Executive Director

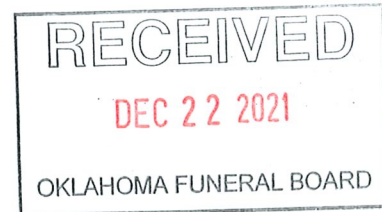
MORGAN AND MORGAN, PC

Attorneys at Law

RUSSELL L. JACK MORGAN (1915-2003)
LARRY A. MORGAN

11912 N. PENNSYLVANIA AVENUE • SUITE D-1
OKLAHOMA CITY, OK 73120-7830
(405) 748-6200 • Phone
(405) 748-6061 • Fax

December 21, 2021



Tyler Stiles
Deputy Director
Oklahoma Funeral Board
3700 N. Classen Blvd, #175
Oklahoma City, OK 73118

Re: Renewal of Funeral Establishment Licenses #1153 and #1486
Change of FDIC Affidavit for Howard-Harris Funeral Services at 1005 SW C
Avenue, Lawton, OK 73501

Dear Mr. Stiles:

This letter is being written to you on behalf of Howard-Harris Funeral Services to accompany its License Renewal Application Form for Howard-Harris Funeral Services of Lawton, OK, the Change of FDIC Affidavit form in regard to said establishment, and the License Renewal Application form for Howard-Harris Funeral Services of Oklahoma City, OK. As I previously advised the OFB, through email to you, of 12/13/2021, Joe Harris, the licensed FDIC at the above referenced location in Lawton, OK, recently died. He died on 11/21/2021. Also, please note that I modified the FDIC Affidavit to include the information referenced with this letter.

Pursuant to OFB Rule 235:10-3-2(11), due to exigent circumstances over the sudden death of Joe Harris, my client requests that Audrey Y. Howard-Harris, his spouse and the FDIC of Howard-Harris Funeral Services, Oklahoma City, OK, be the interim FDIC. She is co-owner, along with her said spouse, of all of the stock of Harris-Howard Enterprises, Inc., the owner of both establishments. Joe Harris was also on the Board of Directors of said owner corporation at the time of his passing.

We would request that Audrey Y. Howard-Harris be the interim FDIC, for at least 90 days, to give time to the owner to select a new FDIC. Audrey Y. Howard-Harris is leasing a home in, and could move to, Lawton, OK, to be the FDIC. However, then there would need to be a new FDIC for the Oklahoma City, OK location. These steps require major decisions for this family and the owner over the loss of Joe Harris. Consequently, the above information is believed to show good cause.

Further, as indicated by the approval in writing by Audrey Y. Howard-Harris to this letter, she has agreed to assume the responsibility in the interim, as the licensed FDIC, at the said Lawton, OK location, as well as remain FDIC at the Oklahoma City, OK location. She is requesting the OFB to exempt her from the requirements of Board Rule 235:10-3-2(9) as authorized pursuant to Board Rule 235:10-3-2(11).

Tyler Stiles
Oklahoma Funeral Board

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely yours,

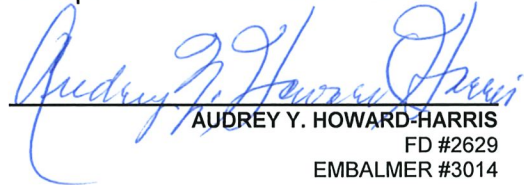


Larry A. Morgan

Attorney for Howard-Harris Funerals Services, Lawton, OK,
Howard-Harris Funeral Services, Oklahoma City, OK,
and owner Harris-Howard Enterprises, Inc.

APPROVED AND AGREED TO THE ABOVE LETTER.

It is my agreement to act as said interim FDIC at said Lawton, OK location until a new FDIC can be secured. I know that I cannot serve as permanent FDIC for both said Lawton, OK and Oklahoma City, OK establishments, as the distances in between same are more than 60 miles, so I request to be exempt, during said period of service, from the requirements of Board Rule 235:10-3-2(9).



AUDREY Y. HOWARD-HARRIS
FD #2629
EMBALMER #3014

§59-396.3. Qualifications and examination of funeral directors and embalmers -
Approved schools

B. 1. Except as provided in subsection C of this section, the minimum requirements for a license to practice funeral directing or embalming, or both, are as follows: The minimum requirements for a license to practice funeral directing or embalming, or both, are as follows:

An applicant for a license to practice funeral directing or embalming shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the United States. In addition, an applicant ~~shall have at least sixty (60) semester hours of study earned, measured in quarter or clock hours, from a regionally accredited college or university,~~ shall be a graduate of a program of mortuary science accredited by the American Board of Funeral Service Education, and have served one (1) year as a registered apprentice. The applicant may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, or subsequent to graduation from the school and pass the International Conference of Funeral Service Examining Board National Board Science Examination and/or Arts Examination with a 75 or higher on each exam.

C. 1. If a person chooses not to meet the qualifications in subsection B of this section for a funeral director, the person may alternatively qualify for a license to practice funeral directing, but not embalming, upon meeting the eligibility requirements of this subsection as follows: An applicant for a license to practice funeral directing shall be at least twenty (20) years of age, a legal resident of this state, a citizen or permanent resident of the United States. An applicant is required to complete a funeral director course of study approved by the Oklahoma Funeral Board and that is administered by program of mortuary science accredited by the American Board of Funeral Service Education (ABFSE). The funeral director course of Study shall include at least thirty (30) semester hours or Equivalent closely following the ABFSE curriculum standard, limited to only: Business Management, Cremation, Social Sciences/Humanities, Legal, Ethical, Regulatory, plus essential elements of embalming, restorative art, general concerns when dealing with human remains, a practicum experience and preparation for the required board exams. In addition to the funeral director course of study the applicant is required to complete ~~at least sixty (60) additional semester hours of study earned, measured in quarter or clock hours, from a regionally accredited college or university~~ and must complete a twelve-month minimum term as a registered apprentice with employment at a licensed establishment and must have assisted with twenty-five arrangement conferences and assisted with twenty five separate funeral or memorial services under the supervision of a licensed funeral director in this state. The applicant

may serve as a registered apprentice prior to enrollment in an approved school of mortuary science, concurrently while in mortuary school, or subsequent to completion of the funeral director course of study.

§59-396.22. Meetings of Board.

Meetings of the Board shall be held at least twice a year at such places as may be designated by the Board. Four ~~Three~~ members of the Board shall constitute a quorum.

END